BEFORE REGION ONE
OF THE NATIONAL LABOR RELATIONS BOARD

Harvard Graduate Students Union-UAW,
        Petitioner

        -and-   Case No. 01-RC-186442

Harvard University,
        Employer

Petitioner's Objections to Election

The Petitioner objects to the election held on November 16 and 17, 2016 on the following grounds. The Employer failed to substantially comply with the Board's Excelsior rule, 29 C.F.R. § 102.62 (d), by failing to provide an accurate list of all eligible voters. More specifically, the Employer agreed after the election that 383 student employees, who had voted under challenge, were in fact eligible to vote. These omissions alone represent 9.7% of the acknowledged eligible electorate and constitute a determinative number of voters in light of the 184 vote margin. Many more eligible voters were also left off the Employer's list, including those who are among the remaining 314 challenged voters and other similarly-situated student employees who did not vote at all. Furthermore, the Employer provided incorrect names for at least 101 eligible voters. Despite omitting the names of hundreds of eligible voters from the Excelsior list, the Employer nonetheless directed campaign communications to them.

Because the Employer's failure to substantially comply with the Excelsior requirements could have affected the outcome of the election, the direction of a second election is warranted.
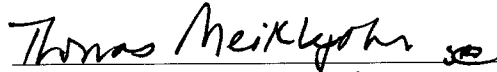
Respectfully submitted,

HARVARD GRADUATE STUDENTS
UNION-UAW,

By their attorneys,

_____
Shelley B. Kroll, Esquire
Segal Roitman, LLP

111 Devonshire Street, 5th Floor
Boston, MA 02109

Thomas Meiklejohn, Esquire
Livingston, Adler, Pulda, Meiklejohn &
Kelly, P.C.
557 Prospect Avenue
Hartford, CT 06105

CERTIFICATE OF SERVICE

I hereby certify that the above Petitioner's Objections to Election has been served by electronic mail on Rachel E. Muñoz, Esq. (rmunoz@morganbrown.com) and Joseph P. McConnell, Esq. (JMcConnell@morganbrown.com) at Morgan, Brown & Joy, LLP, 200 State Street, Boston, MA 02109 on this 29th day of December, 2016.

Shelley B. Kroll, Esquire